THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.2048 of 1998
Date: 07-06-2007

Between:
B.Krishna

Petitioner

And

Vice Chairman & Managing Director,
APSRTC, Musheerabad, Hyderabad and another

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.2048 of 1998

ORDER:

1. This writ petition has been instituted seeking a declaration that the petitioner is entitled to be appointed to the post of Traffic Supervisor on the basis of the selections undertaken pursuant to the notification dated 8-9-1993 issued by the Andhra Pradesh State Road Transport Corporation (in short ' the APSRTC') .

2. It is not in dispute that pursuant to the notification dated 8-9-1993 the writ petitioner is one of the candidates who had competed for recruitment for the post of Traffic Supervisor and the selection procedure had gone through up to the stage of completion of the interviews also. But however, instead of finalizing the selections, the APSRTC has taken a decision to cancel the entire selection process and followed it up by yet another notification dated 5.11.1997 proposing recruitment to the very same posts of Traffic Supervisor Trainee all over again. It is at that stage, this writ petition came to be instituted.

3. The learned standing counsel for the APSRTC Sri V.T.M. Prasad has placed the entire records relating to the selections which had gone up to the stage of conducting interviews and also the file relating to the decision taken by the APSRTC to cancel the selection process initiated pursuant to the notification dated 8-9-1993 and to renotify the entire selection process all over again. The learned standing counsel also submits that pursuant to the policy decision taken by the

State Government of Andhra Pradesh to provide for recruitment in favour of women candidates to the extent of 1/3rd of vacancies in all the categories, namely open competition, scheduled castes, scheduled tribes and backward classes, the APSRTC which is a State owned organization and which binds itself to carry out and implement all policy decisions taken by the State Government also, was required to consider whether the selection process should be finalized or the entire process be undertaken afresh duly providing for the reservation in favour of women candidates. The corporation has realized that since the selections have not been finalized by way of announcing the results of the selections, it is only appropriate to cancel the entire selection process and renotify the vacancies duly indicating the reservation in favour of women candidates so that adequate number of women candidates would respond and make themselves available for selection. Therefore, the learned standing counsel sought to justify the decision taken by the APSRTC to cancel the selection process initiated pursuant to the notification dated 8-9-1993.

4. I find considerable force and merit in the contentions canvassed on behalf of the APSRTC. When once the basic norms of selections for public employment have undergone a sea change, there would arise a necessity to reconsider either to finalise the selections or to renotify the vacancies to bring them in tune with the changed selection criteria. When once the decision is rested upon such a principle to give effect to and comply with the policy of providing for reservation in favour of women candidates, it would be difficult to describe the decision to cancel the selection process either as an arbitrary decision or an unjust one. Therefore, I do not find any illegality in the decision taken by the APSRTC to cancel the selection process undertaken pursuant to the notification issued by it on 8-9-1993. The APSRTC had quickly followed up the said decision with an appropriately worded

notification providing for reservation in favour of women candidates. Therefore, I cannot find any illegality in the decision taken by the APSRTC in canceling the selection process initiated pursuant to the notification dated 8-9-1993 or in renotifying the vacancies all over again on 5.11.1997.

5. The learned standing counsel had also placed the selection process which has been followed pursuant to the notification dated 8.9.993 to demonstrate that the selection process has been cancelled not for any extraneous reasons or considerations. In the selection process which culminated right up to the completion of the interviews, the writ petitioner had been included at Serial No.55 in the overall merit ranking list. No candidate who has secured a merit position less than him, in this selection process having been appointed as a Traffic Supervisor by the APSRTC, no fundamental rights of the writ petitioner can be said to be violated either. Only candidate who came to be appointed from out of the entire selection process undertaken pursuant to the notification dated 8-9-1993 came to be so appointed pursuant to the directions issued by this court in W.P.Nos. 13649 of 1997 and 18433 of 1997, which came to be decided on 14.12.1999. This court while deciding the said case, directed the APSRTC to confine the selection process only with reference to the three writ petitioners therein. As already noted, supra, one out of the three writ petitioners in the said case, who is standing in the overall merit list at Serial No.8 is the one who came to be appointed as a Traffic Supervisor. The decision of the APSRTC in appointing the candidate who is standing at serial No.8 in the overall merit list leaving out the candidates who are standing in merit order from Serial Nos.1 to 7 is highly debatable one but however, I am not called upon to express any opinion thereon in the present writ petition, for, the writ petitioner herein is not one of those 1 to 7 rankers. I therefore, do not consider it necessary or warranted to examine the legality or validity of the action of the APSRTC in

appointing the candidate standing at Serial No.8 of overall list leaving out the rankers 1 to 7. Hence, this writ petition is dismissed, but however without costs.

6. Before parting with this case, it is only appropriate to deserve that an organization like APSRTC which offers large amount of employment on a periodic basis, should not resort to decisions of canceling the selection process initiated by it on any grounds which are not germane to larger public interest. Even in such compelling circumstances which require them to cancel any selection process it is wholly appropriate for them to intimate to all such candidates by an appropriate means the decision, together with the reasons for such cancellation of the selection process so that their decision can be not only transparent but can inspire confidence amongst the unemployed who respond generally to the notifications of employment taken out by it.

_____

NOOTY RAMAMOHANA RAO,J

07-06-2007

Stp